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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,474	04/19/2004	Christopher G. Kaler	13768.483	3306

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EXAMINER	
HU, JINSONG	
ART UNIT	PAPER NUMBER
2454	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/827,474	KALER ET AL.	
	Examiner	Art Unit	
	JINSONG HU	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

4a) Of the above claim(s) *33-52 and 54* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32 and 53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Restriction filed on Feb. 19, 2009 is acknowledged. Claims 33-52 and 54 are withdrawn from consideration. Claims 1-32 and 53 are elected without traverse.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1 and 53, it is uncertain who "accessing" an indication and where the "indication" comes from.

Correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-32, the claims are software per se since the limitations of the claims do not include any hardware device or equipment for implementing the claimed function. Even though the claims disclosed a "module", the specification fails to define the "module" as hardware component.

As per claims 7 and 18, "SEE" should be presented at the original term format.

Correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Traw et al. (US 6,542,610).

As per claims 1 and 4-5, Traw teaches the invention as claimed including at a module having at least one measurable aspect, the module being communicatively connectable to a verification module that can verify the authenticity of assertions formulated at other modules, a method for providing information that can be used to securely verify measurable aspects of the module, the method comprising:

an act of accessing an indication [302, Fig. 3a] that one or more measurable aspects of the module's configuration are to be verified [col. 4, line 34 – 65];

an act of formulating an assertion that can be used to verify that the module is configured in accordance with the one or more measurable aspects and an act of sending the formulated assertion for verification [col. 6, line 34 – col. 9, line 43].

As per claim 2, Traw teaches sending a request to access a resource of a providing module prior to accessing the indication that one or more measurable aspects of the module's configuration are to be verified [col. 6, line 34 – col. 9, line 43].

As per claim 3, Traw teaches receiving a request for proof that the module is appropriate configured to issue challenges to a requesting module, the request being received prior to accessing the indication that one or more measurable aspects of the module's configuration are to be verified [col. 6, line 34 – col. 7, line 55].

As per claim 6, Traw teaches the indication is a request for information that allows the values of one or more measurable aspects of the module's configuration to be verified [302, Fig. 3a].

As per claim 7, Traw teaches the request for information is a request for values associated with one or more of an assembly, a SEE application, a hardware component, a platform, an environment variable, a call stack, and a data stream [col. 7, line 16-24, col. 8, line 18-28].

As per claim 8, Traw teaches the request for information is a request for the values of the one or more measurable aspects [col. 7, line 16-24, col. 8, line 18-28].

As per claim 9, Traw teaches the request for the values of the one or more measurable aspects is a request for the identity of one or more portions of executable instructions at the requester [col. 9, line 53 – col. 10, line 6].

As per claim 10, Traw teaches the request for the values of the one or more measurable aspects is a request for the values of the one or more measurable aspects of an execution environment at the requester [col. 7, line 16-24, col. 8, line 18-28].

As per claim 11, Traw teaches the request is a request for a representation of the values of the one or more measurable aspects [col. 9, line 53 – col. 10, line 6].

As per claim 12, Traw teaches the request for a representation of the values of the one or more measurable aspects is a request for a digest of the one or more measurable aspects [col. 9, line 53 – col. 10, line 6].

As per claim 13, Traw teaches the assertion is an assertion that the module is appropriately configured for accessing a resource of a providing module [col. 6, line 34 – col. 9, line 43].

As per claim 14, Traw teaches the assertion is an assertion that the module is appropriately configured for issuing challenges to a requesting module [col. 7, line 6 – 15].

As per claim 15, Traw teaches the assertion is formulated proof that can be used to verify the identity of one or more portions of executable instructions [col. 6, line 34 – col. 9, line 43].

As per claim 16, Traw teaches the assertion is formulated proof that can be used to verify one or more measurable aspects of an execution environment [col. 6, line 34 – col. 9, line 43].

As per claim 17, Traw teaches the formulating proof is formulated proof that the module is to execute in a compartmentalized environment [col. 6, line 34 – col. 9, line 43].

As per claim 18, Traw teaches the formulated proof of is formulated proof that the module has access to one or more of an assembly, a SEE application, a hardware component, a platform, an environment variable, a call stack, or a data stream [col. 7, line 16-24, col. 8, line 18-28].

As per claim 19, Traw teaches the assertion is a formulated representation of the values of the one or more measurable aspects [col. 9, line 53 – col. 10, line 6].

As per claim 20, Traw teaches the formulated representation is a digest representing the values of the one or more measurable aspects [col. 8, line 18-28].

As per claim 21, Traw teaches the assertion is formulated proof that indicates at least one of compliance with one or more required policies or a providing module, that the module is not a virus, and that the module is not an intruder [col. 8, line 40-63].

As per claim 22, Traw teaches the assertion is formulated proof that the module is configured in accordance with at least one pre-determined configuration [col. 8,line 57 – col. 9, line 11].

As per claim 23, Traw teaches digitally signing the formulated proof [col. 8, line 40-63].

As per claim 24, Traw teaches the proof is signed using a private key that can be validated by a group public key also able to validate at least one other private key [col. 8, line 40- col. 9, line 26].

As per claim 25, Traw teaches the proof is signed using a per- machine that identifies the module [col. 40- 63].

As per claim 26, Traw teaches the proof is signed using a zero knowledge algorithm [col. 9, line 5-18].

As per claim 27, Traw teaches the proof is signed using a hardware-based key [col. 8, line 40-63].

As per claim 28, Traw teaches the proof is signed using a communication channel key [col. 7, line 49-62].

As per claim 29, Traw teaches the digitally signing the formulated proof comprises an act of digitally signing data from one or more identified code regions within in the module [col. 8, line 32-56].

As per claim 53, since it is a computer product claim of claim 1, it is rejected for the same basis as claim 1 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traw et al. (US 6,542,610).

As per claims 30 and 31, Traw teaches the invention substantially as claimed in claim 1. Traw does not specifically teach token service. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include token service in Traw's system because it is a well-known feature in the art for content distribution. One of ordinary skill in the art would have been motivated to modify Traw's system with token service to bring convenience to client by simplify the validation procedure.

As per claim 32, Traw teaches the invention substantially as claimed in claim 1. Traw does not specifically teach downloading a list of one or more configurations that

have been pre-determined to be appropriate for accessing a resource. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to downloading a list of one or more configurations that have been pre-determined to be appropriate for accessing a resource in Traw's system because doing so would improve the efficiency of the system by eliminating unnecessary validation.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jinsong Hu/

Primary Examiner, Art Unit 2454